

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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*Federal Communications Commission
Office of Secretary*

In the Matter of)
)
Replacement of Part 90 by Part 88 to)
Revise the Private Land Mobile Radio)
Services and Modify the Policies)
Governing Them)
)
and)
)
Examination of Exclusivity and)
Frequency Assignment Policies of the)
Private Land Mobile Radio Services)

PR Docket No. 92-235

TO: The Commission

**COMMENTS OF UTC
ON
PETITION FOR CLARIFICATION**

Pursuant to Section 1.429 of the Commission's Rules, UTC, The
Telecommunications Association (UTC),¹ respectfully submits the following comments
in support of a "Petition for Clarification" filed by Motorola regarding the rule changes

¹ UTC, The Telecommunications Association, was formerly known as the Utilities
Telecommunications Council.

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adopted in the *Memorandum Opinion and Order (MO&O)*, FCC 96-492, released December 30, 1996, in the above-captioned rulemaking proceeding.

In this proceeding, the FCC has adopted rules and policies looking toward the more efficient use of the private land mobile radio (PLMR) spectrum below 512 MHz. As the national representative on communications matters for the nation's electric, gas and water utilities and natural gas pipelines, and as the FCC's certified frequency coordinator for the Power Radio Service, UTC has been an active participant throughout this proceeding. UTC is therefore pleased to offer the following comments on Motorola's petition.

In its initial *Report and Order*, and confirmed in its subsequent *MO&O*, the FCC has adopted a 6.25 kHz narrowband channelization plan for the private land mobile radio frequencies below 512 MHz. However, in adopting this channelization plan the FCC recognized the need to provide incumbent licensees with a graceful transition plan that allows for a flexible migration to more efficient technologies in the manner that best suits the users' on-going operational requirements.

In its petition, Motorola seeks clarification that under the refarming rules a licensee will be able to split its existing 25 kHz channel into multiple channels within the same 25 kHz bandwidth, even if the resulting channel centers are not consistent with the adopted channelization plan. Specifically, Motorola requests clarification that a licensee could replace a single 25 kHz radio with two 12.5 kHz radios within its existing bandwidth. UTC supports such a clarification provided that the licensee can demonstrate

to the coordinator that the proposed system will not result in greater out-of-band emissions than occurs from a single 25 kHz system.

UTC believes that such a clarification is in the public interest and furthers the FCC's stated goals in adopting its "refarming" rules; *i.e.*, to provide the private land mobile radio community with a regulatory framework that promotes "efficient use of the spectrum, increases technical flexibility, enhances the deployment of new technologies and promotes a competitive and robust marketplace for product development."²

UTC recommends certain policies for the authorization of such radio systems in order to minimize further complications to the coordination process and the potential for unacceptable interference. To maintain the overall integrity of the channelization plan as recommended by the industry and as adopted by the FCC, UTC recommends that any system that is proposed for licensing in this manner should be licensed on the 25 kHz carrier frequency listed in the Part 90 frequency table, with an appropriate emission designator (*e.g.*, 20K0F8E) to indicate that the channel is, in effect, frequency division multiplexed.

Licensing in this manner will allow coordinators to treat the split channels as if they were a single channel, and will eliminate the need for the FCC to revise, or for applicants to request waiver of, the bandwidth limitations associated with the channels

² *R&O*, p.

centers specified in the Part 90 frequency tables.³ UTC acknowledges that licensing two 12.5 kHz channels as a single, multiplexed 25 kHz channel will not permit the licensee to use the split channels at different geographic locations. However, and as noted above, UTC believes it important to maintain the integrity of the Part 90 band plan to the greatest possible extent. Therefore, an applicant wishing to secure licensing for two 12.5 kHz channels at different geographic locations should request licensing on channels that are available under the rules for 12.5 kHz licensing.⁴ UTC's suggestion is also "technologically neutral" because it is consistent with the manner in which TDMA systems are licensed.

CONCLUSION

The ability to split an existing 25 kHz channel into two 12.5 kHz channels will provide users with immediate spectrum relief using equipment that is now readily available. Moreover, allowing such splits is consistent with a fundamental premise of the Commission's refarming rules -- "technology neutrality." However, in order to preserve the integrity of the Part 90 band plan and thereby minimize further complications in the coordination and licensing process, UTC recommends that such systems be licensed as 25 kHz FDMA systems.

³ This flexibility is comparable to that afforded licensees of exclusive-use 800 MHz systems, under §90.645(f) to use more than a single emission within its authorized bandwidth provided the out-of-band emission limits of §90.209 are met.


⁴ While UTC's comments relate specifically to the situation described in Motorola's Petition for Clarification, UTC recommends use of the same policies for other situations in which the licensee wishes to use multiple subchannels within a larger authorized bandwidth (*e.g.*, five 5 kHz subchannels in a single 25 kHz channel).

WHEREFORE, THE PREMISES CONSIDERED, UTC respectfully requests
the Commission to take actions consistent with the views expressed herein

Respectfully submitted,

UTC

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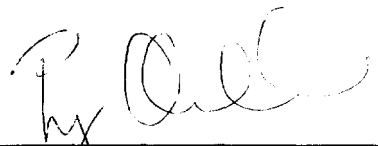
April 2, 1997

CERTIFICATE OF SERVICE

I, Ryan A. Oremland, hereby certify that I have caused to be sent, this 2nd day of April, 1997, by first-class U.S. mail, postage prepaid, a copy of the foregoing "Comments of UTC" to the following persons:

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